

### **REMARKS**

Responsive to the Office Action mailed October 4, 2007, Applicants provide the following. No claims have been amended. Claims 11-15 and 18 have been canceled. As such, fourteen (14) claims remain pending in the application: Claims 1-10, 16-17 and 19-20. All of the pending claims 1-10, 16, 17, 19 and 20 have been indicated as allowed. Therefore, Applicants respectfully request a Notice of Allowance.

Initially, Applicants acknowledge with appreciation Examiner Koenig's willingness to take part in the telephonic interview on February 15, 2008. Applicants further acknowledge with appreciation that claims 1-10, 16, 17, 19 and 20 are allowed.

Applicants have made a diligent effort to demonstrate that the claims in condition for allowance. However, should there remain any outstanding issues that require adverse action, it is respectfully requested that the Examiner telephone Thomas F. Lebens at (805) 781-2865 so that such issues may be resolved as expeditiously as possible.

### **Summary of Applicant Initiated Examiner Interview**

1. Per 37 CFR § 133(b), the following is a brief summary of the Examiner interview conducted February 15, 2008 via telephone between Thomas F. Lebens and Steven M. Freeland, Attorneys of Record, and Examiner Koenig.

Claim 11 was discussed with regard to cited U.S. Patent Publication No. 2002/0056129 (Blacketter et al.). Applicants noted that the pending office action on page 8 suggested that the "triggers" described in the Blacketter patent can be equated to "providing historic data" citing paragraph 0065 of Blacketter. In response Applicants pointed out that paragraph 0065 of Blacketter states that "Because the life spans of these triggers have all expired at the time of the tape-delay or rebroadcast, the receiver unit ignores these triggers that are no longer valid" (emphasis added). Therefore, Applicants submitted that the expired triggers do not provide a user with relevant information, and instead, are specifically made to be invalid so as to be ignored during playback.

Applicants further stressed that it is the intended purpose of Blackketter to provide a trigger to be used in the future. Blackketter specifically describes these triggers for use in the future and are not historic where an “interactive television trigger has a time attribute value that indicates a future time when the trigger is to be executed” (Abstract) and further describes that “a trigger includes a time attribute indicative of a time in the future when the trigger is to be executed (Blackketter, para. 0009, emphasis added). Therefore, Applicants submitted that the Blackketter reference does not describe historic data, and does not provide for later playback by supplying just historic data as provided in claim 11.

Examiner Koenig disagreed suggesting that the “triggers” are initially provided and once provided can then be considered historic. However, claim 11 is directed to historic data of the simultaneous playback so that the simultaneous playback can later be replayed.

No agreement was reached. No exhibits were presented.

### **Rejections under 35 U.S.C. §103**

2. Claims 11-15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 5,825,876 (Peterson) in view of U.S. Patent Publication No. 2002/0026321 (Faris et al.), U.S. Patent No. 5,808,662 (Kinney et al.), U.S. Patent No. 6,282,713 (Kitsukawa et al.) and U.S. Patent Publication No. 2002/0056129 (Blackketter et al.). Respectfully, Applicants traverse these rejections and submit that at least claim 11 is not obvious in view of the above references in that the applied combination fails to teach each limitation as recited in at least claim 11.

For example, the applied combination fails to teach at least the “logic for recording historic data” as recited in claim 11, and that the Blackketter only describes triggers that are to be used with further broadcast content and these triggers are ignored when they expire (see at least Blackketter, para. 0009 and 0065). Additionally, both Kitsukawa and Blackketter do not describe logic for recording historic data of the simultaneous event for use in reproducing the simultaneous event during a later playback of the simultaneous event. For example, claim 11 recites in part “logic for recording historic data ... during the simultaneous playback of the

locally stored event,” and the office action relies on Kitsukawa suggesting Kitsukawa describes a logic for recording historic data. Specifically, the office action cites the recording of advertising marks that are to be displayed later during the playback of the content and storing “the advertising for a later time” (office action, page 7). However, the advertising and the advertising mark are not recorded during the simultaneous playback and further are not historic data as recited in at least claim 1. Therefore, the applied combination does not teach each limitation as recited in at least claim 11.

Applicants, however, have canceled claims 11-15 and 18 without prejudice or disclaimer in order to pursue the timely issuance of the allowable subject matter. Although these claims are canceled herein, Applicants are not conceding in this application that these claims are not patentable over the cited references. Applicants reserve the right to pursue at a later date any previously pending or other broader or narrower claims that capture any subject matter supported by the present disclosure, including subject matter found to be specifically disclaimed herein or by any prior prosecution. Specifically, Applicants reserve the right to pursue the subject matter of canceled claims 11-15 and 18, as well as other subject matter within the application, in one or more continuing applications. Accordingly, reviewers of this or any parent, child or related prosecution history shall not reasonably infer that the Applicants have made any disclaimers or disavowals of any subject matter supported by the present application.

Therefore, Applicants respectfully submit that the rejections are rendered moot.

### **Allowable Subject Matter**

3. Claims 1-10, 16, 17, 19 and 20 are allowed. Therefore, all of the pending claims are allowed and Applicants respectfully request a Notice of Allowance be issued.

**CONCLUSION**

In view of the above amendments and remarks, Applicants submit that all of the pending claims have been allowed. Therefore, Applicants respectfully request a Notice of Allowance.

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Respectfully submitted,

/Steven M. Freeland/

Steven M. Freeland

Reg. No. 42,555

(585) 552-1311

Address all correspondence to:

FITCH, EVEN, TABIN & FLANNERY

Thomas F. Lebens

120 South LaSalle Street, Ste. 1600

Chicago, IL 60603

(858) 552-1311